

Remarks

Claims 1-126 are pending in the present application. Claims 1-126 are rejected. According to the Office Action, Claims 1-126 are rejected under the judicially created doctrine of obviousness-type double patent as being unpatentable over claims 1-13 of U.S. Patent No. 6,783,753 B2, as these claims are "either anticipated by, or would have been obvious over, the reference claims." Office Action at 2. Also, Claims 1-126 are provisionally rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 32-42 of copending Application No. 10/734,902. In addition, Claims 1-3, 5-6 and 33 are provisionally rejected under the doctrine of obvious-type double patenting as being unpatentable over claims 7-10 and 24 of copending Application No. 10/750,303.

Applicants have filed with this response Terminal Disclaimers with regard to U.S. Patent No. 6,783,753 B2, copending Application No. 10/734,902, and copending Application No. 10/750,303.

Applicants believe that this addresses the Examiner's concerns and respectfully request reconsideration of the application, withdrawal of all rejections, and allowance of the application in view of these actions and remarks.

Conclusion

The Applicants appreciate the Examiner's careful and thorough review of the application and submit that the Examiner's concerns have been addressed by the remarks above. The Applicants accordingly request the Examiner to withdraw all rejections and allow the application. In the event the Examiner believes a telephonic discussion would expedite allowance or help to resolve outstanding issues, prosecution of the application, then the Examiner is invited to call the undersigned at (650) 687-3926. Please direct all correspondence to the following customer number: **37485**.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including further extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 502731.**

Respectfully submitted,



William L. Leschensky
Registration No. 38,951
Alexza MDC
1001 East Meadow Circle
Palo Alto, CA 94303

TEL: (650) 687-3926
FAX: (650) 687-3999